

Date of Filing :- 26/02/2019
Date of Registration:- 26/02/2019
Date of Decision :- 18/03/2026
Duration :- Y. M. D.
07 00 20

IN THE COURT OF PRESIDING OFFICER, SCHOOL TRIBUNAL,
NASHIK.
(Before : S. K. Bangad.)

Appeal No: 04/2019 (Dhule).

Exhibit No.36.

Mr. Rajendra Uttam Patil,
Age: 51 Years, Occ.:- Service,
R/o. Plot No.142, Indraprastha Colony,
Opp. Valwadi, State Bank, Gondur
Road, Deopur, Tal. & Dist. Dhule.

-- **Appellant.**

-Verses-

- 1] **The Chairman,**
Sanjay Education Society, Navalnagar,
Tal. & Dist. Dhule,
Head Officer:- 13, Mayur Colony,
Deopur, Dhule.
- 2] **The Principal,**
Sanjay Education Society's Polytechnic
Wadibhokar, Tal. & Dist. Dhule.
- 3] **Joint Director of Technical Education,**
Divisional Office, Government
Polytechnic Compound, Samangaon
Road, Nashik Road, Nashik.

-- **Respondents.**

Coram:- S. K. Bangad, Presiding Officer.

Adv. for appellant. : Mr. S. D. Gangurde.
Adv. for respondent Nos.1 & 2 : Mr. S. S. Mujumdar.
Respondent No. 3 : In person.

Appeal under Section 9 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 (The MEPS Act).

J U D G M E N T

(Delivered on 18th March, 2026.)

By way of filing this appeal, the appellant has prayed for setting aside the impugned termination notice dated 21.01.2019 w.e.f. 30.04.2019. Appellant has further prayed to reinstate him on the same post with continuity of service, full back wages, and all other consequential benefits attached to the said post.

In short, appellant's case is as under :

2] The Sanjay Education Society, Navalnagar, runs respondent No.2 Polytechnic College on a non-grant basis. Respondent No.1 is the Chairman of the institute, respondent No.2 is the Principal of above college, and respondent No.3 is the Government authority exercising supervisory control over respondent Nos.1 and 2. The appellant, possesses the qualification of M.Sc. (Mathematics), was appointed as a Lecturer by the respondent management on 17.07.1996 after following due process of law, though no written appointment order was initially issued. Thereafter, the respondent management issued year-to-year appointment orders

dated 01.07.1997, 01.07.1998, and 28.06.1999, followed by a continuation order dated 01.05.2000. Subsequently, on 06.07.2007, the appellant was appointed as Senior Lecturer. Although the initial appointments were issued on a year-to-year basis, the appellant rendered continuous service from 17.07.1996 till the date of termination without any break.

3] The appellant has stated that though he had been in continuous employment with the respondent management for several years, the respondent management failed to pay him salary as per the government prescribed pay scale. Therefore, the appellant along with four other employees filed Writ Petition No. 5730/2014 before the Hon'ble High Court seeking payment of salary in accordance with the guidelines of the government of Maharashtra. The Hon'ble High Court, by order dated 22.10.2018, directed the respondent management to consider the claim of the appellant and to pay regular salary as permissible. However, the respondent management insisted that the appellant relinquish his claim for the prescribed pay scale and arrears of salary. The appellant refused to do so. Consequently, out of personal animosity and grudge, the respondent management issued a termination notice dated 21.01.2019, terminating the services of the appellant with effect from 30.04.2019. Hence, the appellant has been constrained to file the present appeal on the following grounds.

4] The appellant has further stated that he had rendered continuous and satisfactory service with the respondent management without any blemish. However, his services were abruptly terminated by the respondent management by issuing a termination notice. In the said notice, the reason assigned for termination was that no students had taken admission in the polytechnic for the last two years, and therefore, considering seniority and non-availability of work, the management decided to terminate the services of the appellant. The appellant has contended that the said termination is illegal and in breach of Rule 25 (A) of the MEPS Rules, and is also contrary to various government resolutions and notifications applicable to the institution. The respondent management terminated the appellant's services without providing any opportunity of hearing, and had no authority to terminate the services of a permanent employee in such a manner. Hence, in view of the aforesaid facts and circumstances, the appellant has prayed that the present appeal be allowed.

5] Respondent Nos. 1 and 2 have filed their reply at Exh. 26 and have strongly opposed the appeal. They have contended that the appellant was not appointed on a clear and permanent post, and that his appointment was not made by following the due procedure of law. According to them, the appointment orders issued to the appellant were purely temporary and for a specific period, and therefore, upon efflux of the said period, the appointments automatically came to an end. It is further contended that the subject

matter of Writ Petition No. 5730/2014 and the present appeal are entirely different. The respondent management has submitted that the number of students in the college has been continuously decreasing for the last eight years, and the institution is therefore unable to pay the salaries of full-time teachers, resulting in financial distress. The engineering degree college of the institution has been closed, and the polytechnic college is not functioning at full capacity. On these grounds, the respondents justify the termination of the appellant's services and have prayed for dismissal of the appeal with costs.

6] Respondent No.3 i.e. Joint Director, Technical education, Regional Officer, Nashik has filed reply at Exh. 31 and stated that the appeal of the appellant is not tenable in law. The Government issued a resolution dated 21.05.1983 regarding establishment of new technical and technological colleges on a "no grant-in-aid" basis. It is contended that all administrative and financial matters, including appointment of staff, payment of salaries and allowances, and other service conditions such as termination, fall within the exclusive domain of respondent Nos.1 & 2, and not within the purview of respondent No. 3. The said resolution prescribes specific terms and conditions. Reliance is placed on Clause 11, which stipulates that claims for grant-in-aid for non-recurring and recurring expenditure shall not be permitted by the government at any stage at any time. In view of the said resolution, respondent No. 3 contend that he cannot interfere in the administrative affairs of the respondent management,

and that it is the responsibility of respondent Nos. 1 and 2 to implement the appropriate pay scales, disburse arrears, and deal with service matters including termination of staff. Lastly, respondent No.3 has prayed for dismissal of the appeal with costs.

7] Considering the pleadings of both the sides and submissions of the learned advocates appearing for respective parties, following points arise for my determination of this appeal and I have recorded my findings there upon for the reasons to be followed :

Sr. No.	Points	Findings
1	Whether the appellant has established that the appeal is maintainable before this Tribunal ?	In the negative.
2	Whether the appellant has established that the school management has illegally terminated his services vide termination order dated 21.01.2019 ?	Does not survive.
3	What order ?	As per final order.

R E A S O N S

As to point Nos. 1 to 3 :-

8] The appeal has been filed to challenge the notice of termination dated 21.01.2019, which was to take effect from 30.04.2019. So, without looking into other aspects of the appeal,

whether the appeal is maintainable or not is to be seen. For the same, the notice dated 21.01.2019 which is produced on record by the appellant is to be seen. It is mentioned in the said notice that the students have not taken admission in Polytechnic branch and hence it is decided that the services of the appellant would be terminated after 30.04.2019. Appellant has filed this appeal on 26.02.2019 i.e. before the termination would come into effect.

9] The appellant in support of his contentions has placed his reliance upon the following authorities filed at Exh. 28 :

I] **Deepak T. Kaul -V/s- Chairman, Sanjeevani Vidhyalaya Trust, Pune and others, [2021 (1) Bom. C.R.395]**, wherein the Hon'ble Bombay High Court has observed that the services of a person on probation cannot be dispense with by management for no apparent reason, just on its whims and fancies.

II] **Secretary, State of Karnataka -V/s- Umadevi and others, [2006 II CLR 261 SC]**, wherein the Hon'ble Apex Court has held that unless the appointment was in terms of relevant rules, no rights are conferred on the appointee. Long service of an ad-hoc employee do not acquire any right to permanent appointment.

III] **Balasaheb Ramchandra Burke -V/s- President, Bahujan Samaj Prabodhan Shikshan Sanstha, [2016 (3) Bom. C.R.197]**, wherein the Hon'ble High Court has held that management cannot be given

benefits of wrong committed by themselves. Management is estopped from justifying termination on the basis of irregular appointment. Termination of petitioner hence held, illegal.

10] The School Tribunal derives its jurisdiction from Section 9 of the said Act, which is reproduced below :

9. Right of appeal to Tribunal to employees of private schools :

(1) Notwithstanding anything contained in any law or contract for the time being in force, [any employee in a private school,-

(a) who is dismissed or removed or whose services are otherwise terminated or who is reduced in rank, by the order passed by the management; or

(b) who is superseded by the Management while making an appointment to any post by promotion, and who is aggrieved, shall have a right of appeal and may appeal against any such order or supersession to the Tribunal constituted under section 8.]

Provided that, no such appeal shall lie to the Tribunal in any case where the matter has already been decided by a Court of competent jurisdiction or is pending before such Court, on the appointed date or where the order of dismissal, removal, otherwise termination of service or reduction in rank was passed by the Management at any time before the 1st July 1976.

(2) Such appeal shall be made by the employee to the

Tribunal, within thirty days from the date of receipt by him of the order of dismissal, removal, otherwise termination of service or reduction in rank, as the case may be:

Provided that, where such order was made before the appointed date, such appeal may be made within sixty days from the said date.

(3) Notwithstanding anything contained in sub-section (2), the Tribunal may, entertain an appeal made to it after the expiry of the said period of thirty or sixty days, as the case may be, if it is satisfied that the appellant has sufficient cause for not preferring the appeal within that period.

(4) Every appeal shall be accompanied by a fee of [five hundred] rupees which shall not be refunded and shall be credited to the Consolidated Fund of the State.

11] So, it is clear from the above Section that the appeal can be filed only in the case of dismissal, removal or otherwise termination of service, or supersession. In the present appeal, the appellant has challenged the notice which was issued prior to the order of termination. The appellant has filed the appeal under apprehension of order of termination, which is not permissible under MEPS Act. Under MEPS Act, the actual order of termination which is already taken effect is to be challenged and not before that. Therefore, the Tribunal will not get jurisdiction on the notice of proposed termination. This is because anything can happen from the date of issuance of notice of proposed termination till the date of

actual termination. So, the appeal could have been filed only on the ground of order of termination and not against the notice of termination. So, the appeal is premature and liable to be dismissed. Accordingly, I answer point No.1 in the negative and point No.2 does not survive. In answer to point No.3, I pass following order :

: O R D E R :

The appeal is dismissed with costs.

**(S. K. Bangad,)
Presiding Officer, School Tribunal,
Nashik Region, Nashik.**

Date: 18/03/2026.

Argued on	: 18/03/2026.
Judgment dictated on	: 18/03/2026.
Judgment checked & signed on	: 18/03/2026.